

## SENATE BILL NO. 314

INTRODUCED BY MCCARTHY, BOHLINGER, COONEY, HARRINGTON, JOHNSON, LINDEEN, TESTER,  
WANZENRIED

A BILL FOR AN ACT ENTITLED: "AN ACT ~~RAISING~~ ADJUSTING THE ELIGIBILITY FOR THE STATE CHILDREN'S HEALTH INSURANCE PROGRAM TO CHILDREN NO MORE THAN 200 ~~17~~ 18 YEARS OF AGE WITH A FAMILY INCOME AT OR BELOW 175 PERCENT OF THE FEDERAL POVERTY LEVEL, WHICH PERCENTAGE IS SUBJECT TO THE AVAILABILITY OF NONSTATE FUNDS FOR MATCHING PURPOSES; AMENDING SECTION 53-4-1004, MCA; AND PROVIDING AN EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Section 53-4-1004, MCA, is amended to read:

**"53-4-1004. (Temporary) Eligibility for program -- rulemaking.** (1) To be considered eligible for the program, a child:

(a) must be ~~18~~ 17 18 years of age or younger;

(b) must have a combined family income at or below ~~150%~~ 200% 150% of the federal poverty level or at a lower level determined by the department of public health and human services as provided in subsection (4);

(c) may not already be covered by private insurance that offers creditable coverage, as defined in 42 U.S.C. 300gg(c);

(d) may not be eligible for medicaid benefits; and

(e) must be a United States citizen or qualified alien and a Montana resident.

(2) The department of public health and human services shall adopt rules that establish the program's criteria for residency. The criteria must conform as nearly as practicable with the residency requirements for medicaid eligibility.

(3) Subject to 53-4-1009(3), rules governing eligibility may also include financial standards and criteria for income and resources, treatment of resources, and nonfinancial criteria.

(4) If the department determines that there is insufficient funding for the program, it may lower the percentage of the federal poverty level established in subsection (1)(b) OR (5) in order to reduce the number of

1 persons who may be eligible to participate or may limit the amount, scope, or duration of specific services  
2 provided.

3 (5) (A) SUBJECT TO THE AVAILABILITY OF NONSTATE MATCHING FUNDS, A CHILD MAY BE CONSIDERED ELIGIBLE  
4 FOR THE PROGRAM IF THE COMBINED FAMILY INCOME IS ABOVE 150% AND AT OR BELOW 175% OF THE FEDERAL POVERTY  
5 LEVEL AND THE CRITERIA IN SUBSECTIONS (1)(A) AND (1)(C) THROUGH (1)(E) ARE MET.

6 (B) "NONSTATE MATCHING FUNDS" INCLUDES BUT IS NOT LIMITED TO FUNDS FROM PRIVATE SOURCES, INCLUDING  
7 GRANTS, GIFTS, AND DONATIONS, AND DOES NOT INCLUDE FUNDS FROM GENERAL OR SPECIFIC TAXES OR FEES.

8 (C) MONETARY SETTLEMENT PROCEEDS FROM STIPULATIONS, AGREED SETTLEMENTS, CONSENT ORDERS, OR  
9 DEFAULTS INVOLVING AN AGENCY OR THE STATE THAT ARE IN EXCESS OF \$543,000 FOR FISCAL YEAR 2003 OR \$534,000  
10 FOR FISCAL YEAR 2004 AND NO MORE THAN DEPOSITED INTO THE GENERAL FUND, AS PROVIDED IN 2-4-603(1)(B), AND  
11 THAT ARE UNANTICIPATED BY REVENUE ESTIMATES ADOPTED BY THE LEGISLATURE FOR FISCAL YEARS 2004 AND 2005,  
12 EXCLUDING TAX AUDIT COLLECTIONS, OF UP TO \$3 MILLION FOR EACH FISCAL YEAR MAY BE ALLOCATED TO THE PROGRAM  
13 FOR USE AS NONSTATE MATCHING FUNDS FOR THE PURPOSES OF SUBSECTION (5)(A). (Terminates on occurrence of  
14 contingency--sec. 15, Ch. 571, L. 1999.)"

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16 NEW SECTION. Section 2. Effective date. [This act] is effective July 1, 2003.

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